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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,046	12/21/2001	John W. Kosty	47634/GTL/F161	3631

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EXAMINER

MUSSER, BARBARA J

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

603

Office Action Summary

Application No.

10/029,046

Applicant(s)

KOSTY ET AL.

Examiner

Barbara J. Musser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-25, 27, 30 and 31 is/are rejected.
- 7) ☐ Claim(s) 26, 28 and 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11. 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21, 22, 24, 25, 27, 30, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosokawa et al.(EP 1004801A2) in view of Skinner, Sr. and Adell.

Hosokawa et al. discloses it is known to form a seal comprising a layer of PTFE sealing material bonded to a casing wherein the end of the sealing material is pointed away from the casing.(Figure 41) The reference is silent as to the method of formation of the seal but does indicate that seals of the same general type can be formed by serially fitting the components onto the outer case of the seal.(paragraphs [0023-0024]) Skinner, Sr. teaches a method of forming a seal wherein the PTFE sealing material and metal casing are bonded together and then the combination is shaped to form the seal.(Col. 2, ll. 21-37) It would have been obvious to one of ordinary skill in the art at the time the invention was made to form the seal of Hosokawa et al. by bonding the casing to the sealing material and then shaping them since Skinner, Sr. discloses this is an inexpensive method of forming a seal(Col. 1, ll. 21-23) and particularly since Adell discloses it is known in the bonding arts to bond a metal layer to a plastic film and then shape them.(Col. 1, ll. 51-57; Col. 3, ll. 22-25) While the references do not specifically

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disclose trimming the seal to the desired shape, trimming an article to a desired shape is well-known and conventional per se in the forming arts.

Regarding claim 22, Skinner, Sr. discloses the seal is a flat sheet prior to forming.(Col. 2, ll. 22)

Regarding claim 24, Hosokawa et al. discloses the seals is a sealing disk which is oriented with the sealing element facing radially inwardly.(Figure 41)

Regarding claim 25, Hosokawa et al. discloses seals can be formed containing two casings and two sealing members.(Figure 41)

Regarding claim 27, one of the casing members is deformed toward one other casing member.(no. 38 and 40; Figure 41)

Regarding claim 30, a seal is located between the two casing members.(no. 38, 37, and 40, Figure 41)

Regarding claim 31, Skinner, Sr. discloses the sealing element can be bent with the casing, which would place force on it.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosokawa et al., Skinner, Sr., and Adell as applied to claim 21 above, and further in view of Kondo(U.S. Patent 3,649,033).

The references cited above do not disclose the sealing element having a high surface area made from a plurality of features. Kondo discloses a sealing element having a high surface area made from a plurality of features which prevent fluid from passing through the seal.(Abstract; Figure 2) It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the sealing element

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of Hosokawa et al. and Skinner, Sr. have a high surface area made from a plurality of features since this would prevent fluid from passing through the seal region.(Abstract)

Allowable Subject Matter

4. Claims 26, 28, and 29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter: regarding claim 26, the prior art of record does not teach or fairly suggest forming a seal by forming two separate sections each having a casing and a sealing member bonded together and bending the combined casing and sealing members together so that a contoured region exists along which both extend wherein the sealing member extends beyond and away from the casing member and joining these two sections such that the casing members are bonded together. Regarding claims 28 and 29, the prior art of record does not teach or fairly suggest forming a seal by forming two separate sections each having a casing and a sealing member bonded together and bending the combined casing and sealing members together so that a contoured region exists along which both extend wherein the sealing member extends beyond and away from the casing member and joining these two sections such that either the two casing members contact each other or the two sealing members contact each other.

Response to Arguments

6. Applicant's arguments filed 10/20/03 have been fully considered but they are not persuasive.

Regarding applicant's argument that there is no teaching or suggestion of how to form the twin lips of Savoia in Skinner, Savoia is no longer part of the rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is **(571) 272-1222**. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571)-272-1226. The fax phone

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number for the organization where this application or proceeding is assigned is (703)

872-9306.

BJM

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